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12 **UNITED STATES DISTRICT COURT**
13 **FOR THE DISTRICT COURT OF NEVADA**

14 DENNIS MONTGOMERY, an individual; and
15 MONTGOMERY FAMILY TRUST, a California
16 Trust,

17 Plaintiff,

18 vs.

19 ETREPPID TECHNOLOGIES, L.L.C., a Nevada
20 Limited Liability Company; WARREN TREPP,
an individual; DEPARTMENT OF DEFENSE of
the UNITED STATES OF AMERICA, and
21 DOES 1 through 10,

22 Defendants

23 AND RELATED CASE(S)

24 Case No. 3:06-CV-00056-PMP-VPC
25 **Base File**

26 3:06-CV-00145-PMP-VPC

27 **ETREPPID'S SUPPLEMENT TO ITS
REPLY TO PLAINTIFFS'
MEMORANDUM OF POINTS AND
AUTHORITIES SHOWING THAT
ETREPPID'S ATTORNEY-CLIENT
PRIVILEGE OBJECTIONS SHOULD
BE OVERRULED IN THEIR
ENTIRETY**

28 eTreppid Technologies, L.L.C., ("eTreppid"), submits this Supplement to its Reply to
Plaintiffs' Memorandum of Points and Authorities Showing that eTreppid's Attorney-Client Privilege
Objections Should Be Overruled in Their Entirety.

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1 In Plaintiffs' Memorandum of Points and Authorities, Plaintiffs allege that Plaintiff Dennis
2 Montgomery ("Montgomery") is currently a manager of eTreppid: "Mr. Montgomery was initially its
3 designated 'Manager,' and he has been a designated member of eTreppid's Management Committee
4 since approximately January 1999." *See* Plaintiffs' Memorandum of Points and Authorities Showing
5 that eTreppid's Attorney-Client Privilege Objections Should Be Overruled in Their Entirety, at page 1,
6 lines 11-13. However, that statement is belied by Montgomery's own admission to the contrary.
7 Specifically, on April 5, 2006 Montgomery wrote a letter to Warren Trepp and Doug Frye stating as
8 follows:

9 I was terminated by eTreppid Technologies, LLC from my position as Chief
10 Technology Officer on 01/18/2006. In addition, I have not held the title of Committee
11 Member since before 11/02/2001 and have been allowed to actually serve as a member
12 of eTreppid's Management Committee (*i.e.*, as a committee member or otherwise),
even though it may have been originally contemplated that I do so. This confirms that I
still do not hold any positions with eTreppid, whether as an employee, consultant,
manager, director, officer, committee member, or otherwise.

13 *See* Montgomery's letter to Trepp and Frye, which is attached hereto as **Exhibit "A"**. Accordingly,
14 Montgomery is not a current manager of eTreppid, and thus, pursuant to the entity is the client rule, he
15 has no authority to obtain eTreppid's attorney-client communications over the objections of eTreppid's
16 current management.

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1 For all of the foregoing reasons, eTreppid must be permitted to assert the attorney-client
2 privilege against Montgomery.

3 Dated: February 22, 2008.

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/s/
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PROOF OF SERVICE

I, Gaylene Silva, declare:

I am employed in the **City of Reno, County of Washoe, State of Nevada**, by the law offices of Hale Lane Peek Dennison and Howard. My business address is: **5441 Kietzke Lane, Second Floor, Reno, Nevada 89511**. I am over the age of 18 years and not a party to this action. I am readily familiar with Hale Lane Peek Dennison and Howard's practice for collection of mail, delivery of its hand-deliveries and their process of faxes.

On February 22, 2008, I caused the foregoing ETREPPID'S SUPPLEMENT TO ITS REPLY TO PLAINTIFFS' MEMORANDUM OF POINTS AND AUTHORITIES SHOWING THAT ETREPPID'S ATTORNEY-CLIENT PRIVILEGE OBJECTIONS SHOULD BE OVERRULED IN THEIR ENTIRETY to be:

X filed the document electronically with the U.S. District Court and therefore the court's computer system has electronically delivered a copy of the foregoing document to the following person(s) at the following e-mail addresses:

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I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that this declaration was executed on February 22, 2008.

/s/
Gaylene Silva